

HOUSE BILL No. 1813

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-41-42; IC 33-37;
IC 34-30-2-83.5.

Synopsis: Spinal cord and brain injury trust fund. Creates the spinal cord and brain injury registry and the spinal cord and brain injury research board to advise the state department of health on the registry and plans to fund spinal cord and brain injury research and grants. Creates the spinal cord and brain injury fund to be funded with additional court fees for speeding and passenger restraint infractions. Appropriates continually money in the fund to the state department of health.

Effective: July 1, 2007.

Mays, Crawford, Brown C

January 26, 2007, read first time and referred to Committee on Public Health.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1813

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-18-2-37.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 37.5. (a) "Board" for
3 purposes of IC 16-22-8, has the meaning set forth in IC 16-22-8-2.1.
4 **(b) "Board" for purposes of IC 16-41-42, has the meaning set**
5 **forth in IC 16-41-42-1.**
6 SECTION 2. IC 16-18-2-143 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 143. (a) "Fund", for
8 purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-2.
9 (b) "Fund", for purposes of IC 16-31-8.5, has the meaning set forth
10 in IC 16-31-8.5-2.
11 (c) "Fund", for purposes of IC 16-46-5, has the meaning set forth in
12 IC 16-46-5-3.
13 (d) "Fund", for purposes of IC 16-46-12, has the meaning set forth
14 in IC 16-46-12-1.
15 **(e) "Fund", for purposes of IC 16-41-42, has the meaning set**
16 **forth in IC 16-41-42-2.**
17 SECTION 3. IC 16-18-2-315.5 IS ADDED TO THE INDIANA



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CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2007]: **Sec. 315.5. "Registry", for purposes
of IC 16-41-42, has the meaning set forth in IC 16-41-42-3.**

SECTION 4. IC 16-41-42 IS ADDED TO THE INDIANA CODE
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2007]:

Chapter 42. Spinal Cord and Brain Injury

**Sec. 1. As used in this chapter, "board" refers to the spinal cord
and brain injury research board created by section 6 of this
chapter.**

**Sec. 2. As used in this chapter, "fund" refers to the spinal cord
and brain injury fund established by section 4 of this chapter.**

**Sec. 3. As used in this chapter, "registry" refers to the statewide
spinal cord and brain injury registry established by section 8 of
this chapter.**

**Sec. 4. (a) The spinal cord and brain injury fund is established
to fund research on spinal cord and brain injuries.**

(b) The fund shall be administered by the state department.

(c) The fund consists of:

- (1) appropriations;**
- (2) gifts and bequests;**
- (3) fees deposited in the fund under IC 33-37-7-2; and**
- (4) grants received from the federal government or private
sources.**

**(d) The expenses of administering the fund shall be paid from
money in the fund.**

**(e) The treasurer of state shall invest the money in the fund not
currently needed to meet the obligations of the fund in the same
manner as other public money may be invested.**

**(f) Money in the fund at the end of a state fiscal year does not
revert to the state general fund.**

(g) Of the money in the fund:

- (1) five hundred thousand dollars (\$500,000) is annually
appropriated to Indiana University for spinal cord and brain
injury research;**
- (2) five hundred thousand dollars (\$500,000) is annually
appropriated to Purdue University for spinal cord and brain
injury research; and**
- (3) the balance is continually appropriated to the state
department to fund spinal cord and brain injury research
programs.**

Sec. 5. The fund is to be used for the following purposes:

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(1) Establish and maintain a state medical surveillance registry for traumatic spinal cord and brain injuries.

(2) Fulfill the duties of the board under section 6 of this chapter.

(3) Fund research on spinal cord and brain injuries.

Sec. 6. (a) The spinal cord and brain injury research board is created for the purpose of administering the fund. The board is composed of nine (9) members.

(b) The following four (4) members of the board shall be appointed by the governor:

(1) One (1) member who has a spinal cord or head injury or who has a family member with a spinal cord or head injury.

(2) One (1) member who is a neurosurgeon holding a board certification from the American Board of Neurological Surgery.

(3) One (1) member who is a physiatrist holding a board certification from the American Board of Physical Medicine and Rehabilitation.

(4) One (1) member representing the technical life sciences industry.

(c) The following five (5) members of the board shall be appointed as follows:

(1) One (1) member representing Indiana University to be appointed by Indiana University.

(2) One (1) member representing Purdue University to be appointed by Purdue University.

(3) One (1) member representing the National Spinal Cord Injury Association to be appointed by the National Spinal Cord Injury Association.

(4) One (1) member representing the largest freestanding rehabilitation hospital for brain and spinal cord injuries in Indiana to be appointed by the Rehabilitation Hospital of Indiana located in Indianapolis.

(5) One (1) member representing the American Brain Injury Association to be appointed by the National Spinal Cord Injury Association.

(d) The term of a member is four (4) years. A member serves until a successor is appointed and qualified. If a vacancy occurs on the board before the end of a member's term, the appointing authority appointing the vacating member shall appoint an individual to serve the remainder of the vacating member's term.

(e) A majority of the members appointed to the board

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constitutes a quorum. The affirmative votes of a majority of the members are required for the board to take action on any measure.

(f) Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The board shall annually elect a chairperson who shall be the presiding officer of the board. The board may establish other officers and procedures as the board determines necessary.

(h) The board shall meet at least two (2) times each year. The chairperson may call additional meetings at the request of a majority of the members of the board.

(i) The state department shall provide staff for the board. The state department shall maintain a registry of the members of the board. An appointing authority shall provide written confirmation of an appointment to the board to the state department in the form and manner specified by the state department.

(j) The board shall do the following:

(1) Consider policy matters relating to spinal cord and brain injury research projects and programs.

(2) Consider research applications and make grants for approved research projects.

(3) Formulate policies and procedures concerning the operation of the board.

(4) Review and authorize spinal cord and brain injury research projects and programs to be financed under this chapter.

(5) Review and approve progress and final research reports on projects authorized under this chapter.

(6) Review and make recommendations concerning the expenditure of money from the fund.

(7) Advise the state department on formation of the registry.

(8) Take other action necessary for the purpose stated in subsection (a).

(9) Provide to the governor, the general assembly, and the legislative council an annual report not later than January 30 of each year showing the status of funds appropriated under this chapter. The report to the general assembly and the legislative council must be in an electronic format under

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1 **IC 5-14-6.**

2 **(k) A member of the board is exempt from civil liability arising**
 3 **or thought to arise from an action taken in good faith as a member**
 4 **of the board.**

5 **Sec. 7. The state department shall adopt rules under IC 4-22-2**
 6 **to implement this chapter.**

7 **Sec. 8. (a) The state department shall establish and maintain a**
 8 **statewide spinal cord and brain injury registry.**

9 **(b) The registry shall include reports of persons who have**
 10 **sustained spinal cord or brain injuries, other than through disease,**
 11 **whether or not the injury results in a permanent disability. The**
 12 **registry shall include data on the:**

13 **(1) incidence; and**

14 **(2) prevalence;**

15 **of spinal cord and brain injuries and shall serve as a resource for**
 16 **research, education, and information on spinal cord and brain**
 17 **injuries and available services. Health care providers shall report**
 18 **spinal cord and brain injuries to the state department for the**
 19 **purposes of this section under the rules adopted by the state**
 20 **department under section 7 of this chapter.**

21 **SECTION 5. IC 33-37-4-2, AS AMENDED BY P.L.176-2005,**
 22 **SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 23 **JULY 1, 2007]: Sec. 2. (a) Except as provided in subsections (d) and**
 24 **(e), for each action that results in a judgment:**

25 **(1) for a violation constituting an infraction; or**

26 **(2) for a violation of an ordinance of a municipal corporation (as**
 27 **defined in IC 36-1-2-10);**

28 **the clerk shall collect from the defendant an infraction or ordinance**
 29 **violation costs fee of seventy dollars (\$70).**

30 **(b) In addition to the infraction or ordinance violation costs fee**
 31 **collected under this section, the clerk shall collect from the defendant**
 32 **the following fees, if they are required under IC 33-37-5:**

33 **(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or**
 34 **IC 33-37-5-4).**

35 **(2) An alcohol and drug services program user fee**
 36 **(IC 33-37-5-8(b)).**

37 **(3) A law enforcement continuing education program fee**
 38 **(IC 33-37-5-8(c)).**

39 **(4) An alcohol and drug countermeasures fee (IC 33-37-5-10).**

40 **(5) A highway work zone fee (IC 33-37-5-14).**

41 **(6) A deferred prosecution fee (IC 33-37-5-17).**

42 **(7) A jury fee (IC 33-37-5-19).**

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- (8) A document storage fee (IC 33-37-5-20).
- (9) An automated record keeping fee (IC 33-37-5-21).
- (10) A late payment fee (IC 33-37-5-22).
- (11) A public defense administration fee (IC 33-37-5-21.2).
- (12) A judicial insurance adjustment fee (IC 33-37-5-25).
- (13) A judicial salaries fee (IC 33-37-5-26).
- (14) A court administration fee (IC 33-37-5-27).
- (15) A DNA sample processing fee (IC 33-37-5-26.2).
- (16) A speeding violation fee (IC 33-37-5-30).**
- (17) A seat belt violation fee (IC 33-37-5-31).**

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:

- (1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (3) The deferral program fee subsection (e)).

The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:

- (1) The defendant was charged with an ordinance violation subject to IC 33-36.
- (2) The defendant denied the violation under IC 33-36-3.
- (3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (4) The defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of IC 34-28-5-5 and may be collected from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

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SECTION 6. IC 33-37-5-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 30. (a) This section applies to infractions committed under IC 9-21-5.**

(b) The clerk shall collect a speeding fee of twenty-three dollars (\$23) for each infraction committed under IC 9-21-5.

SECTION 7. IC 33-37-5-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 31. (a) This section applies to infractions committed under IC 9-19-10.**

(b) The clerk shall collect a passenger restraint fee of twenty-three dollars (\$23) for each infraction committed under IC 9-19-10.

SECTION 8. IC 33-37-7-2, AS AMENDED BY P.L.174-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:**

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected

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under IC 33-37-5-18.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance account established by IC 4-23-25-11(i) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.

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(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(k) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

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(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(m) The clerk of a circuit court shall distribute monthly to the auditor of state:

(1) the speeding fee collected under IC 33-37-5-30; and

(2) the passenger restraint fee collected under IC 33-37-5-31; for deposit in the spinal cord and brain injury fund established by IC 6-41-42-4.

SECTION 9. IC 34-30-2-83.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 83.5. IC 16-41-42-6 (Concerning members of the spinal cord and brain injury research board).**

SECTION 10. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "board" refers to the spinal cord and brain injury research board created by IC 16-41-42-6, as added by this act.

(b) Notwithstanding IC 16-41-42-6, as added by this act, members initially appointed to the board under IC 16-41-42-6(b)(1), IC 16-42-41-6(c)(1), and IC 16-42-41-6(c)(2), as added by this act, are appointed for a term of four (4) years.

(c) Notwithstanding IC 16-41-42-6, as added by this act, members initially appointed to the board under IC 16-41-42-6(c)(3) and IC 16-41-42-6(c)(4), as added by this act, are appointed for a term of three (3) years.

(d) Notwithstanding IC 16-41-42-6, as added by this act, members initially appointed to the board under IC 16-41-42-6(b)(4) and IC 16-41-42-6(c)(5), as added by this act, are appointed for a term of two (2) years.

(e) Notwithstanding IC 16-41-42-6, as added by this act, members initially appointed to the board under IC 16-41-42-6(b)(2) and IC 16-41-42-6(b)(3), as added by this act, are appointed for a term of one (1) year.

(f) This SECTION expires July 1, 2011.

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